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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

HENRY E. SMITH

Plaintiff,

v.

GREG ABERNATHY

Defendant.

Case No. 2:11-cv-00090-JCM-RJJ

**ORDER**

THIS COURT, having been fully apprised that the United States Attorney for the District of Nevada has certified that the individual Defendant, Greg Abernathy, was acting within the scope of his federal employment at the time of the incident giving rise to Plaintiff's complaint, and the Court having been apprised of the substitution of the United States by operation of law pursuant to 28 U.S.C. § 2679(d)(2),

**IT IS HEREBY ORDERED** that pursuant to 28 U.S.C. §§ 2679(b)(1), (d)(2), Greg Abernathy is dismissed from this action on the grounds that the exclusive remedy for such claim is an action against the United States and the United States has been substituted for Greg Abernathy as the defendant on such claim.

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**DATED:** March 15, 2011